

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

Father Jesus,	Civil Action No. <u>1:22cv204</u> HSO-BWR
<i>Plaintiff,</i>	Judge _____
V.	Magistrate Judge _____
Grey Television Inc,	
<i>Defendant.</i>	

DEFENDANT'S NOTICE OF REMOVAL

Defendant, Grey Television Inc ("Defendant"),¹ through undersigned counsel, has removed this case from the Second Circuit Court for the County of Harrison, 1st Judicial District (the "Circuit Court"), wherein it is styled *Father Jesus v. Grey Television, Inc*, 22-213 (the "State Court Action"), to the United States District Court for the Southern District of Mississippi, Southern Division. Defendant denies the allegations of the plaintiff, Father Jesus ("Plaintiff"), in the *COMPLAINT and Request for injunction to trade as equal citizen/religious based production of other that Defendant trades with or equal production Defendant offer themselves* (the "Complaint")² and the damages contained therein without waiving any defenses,

¹ The plaintiff, Father Jesus, incorrectly named the defendant as "Grey Television Inc" in the Complaint. Defendant's correct name is "Gray Media Group, Inc., f/k/a Raycom Media, Inc., successor-by-merger to WLOX, LLC."

² Ex. "A-1."

exceptions, affirmative defenses or obligation that may exist in Defendant's favor under Mississippi or federal law.

I. GROUNDS FOR REMOVAL

1. This Court has jurisdiction over this case and controversy pursuant to 28 U.S.C. §1332(a), in that this is a civil action where the matter in controversy exceeds \$75,000 and is between citizens of different States.

2. In the Complaint, Plaintiff requests an award of \$10,500,000.00.³

3. Plaintiff is a citizen of Mississippi because he alleges that he is a resident of Harrison County, MS.⁴

4. Defendant is a Delaware business corporation with a principal place in Atlanta, GA. Gray Media is not a citizen of Mississippi. Defendant is a citizen of Delaware and/or Georgia.

5. Accordingly, because the amount in controversy exceeds \$75,000 and because Plaintiff is a citizen of Mississippi, while Defendant is not, and Defendant is a citizen of Delaware and/or Georgia, while Plaintiff is not, this Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332(a) because complete diversity of citizenship exists. Removal is therefore proper.

6. Venue is also proper in this District under 28 U.S.C. §1441(a) because the Circuit Court where the State Court Action has been pending is located in this District and Division.

³ See Ex. "A-1" at p.4 (Prayer for Relief).

⁴ See Ex. "A-1" at p.1, ¶1.

7. Lastly, this Notice of Removal is timely under 28 U.S.C. §1446(b) because Defendant received a copy of the Complaint by email on July 7, 2022.⁵

8. True and correct copies of all process, pleadings, and orders served upon Defendant in the Circuit Court Action are attached hereto as *in globo* Exhibit "A." 28 U.S.C. §1446(a); L.R. 5(b). Undersigned counsel represents that there are no unresolved motions⁶ and that discovery has not been propounded by either party. L.R. 5(b).

9. After filing this Notice of Removal, Defendant will promptly serve written notice of this Notice of Removal on Plaintiff and file the same with the Clerk of the Circuit Court in accordance with 28 U.S.C. §1446(d).

WHEREFORE, Defendant hereby files this Notice of Removal and prays that the above-referenced State Court Action now pending in the Circuit Court be removed to this Court and that this Court enter any necessary orders or process in order that this suit may proceed as if it had originally commenced in this Court.

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⁵ On July 7, 2022, Plaintiff sent a copy of the Complaint to Defendant's assistant general counsel, Will Joslin, by email. Defendant does not acknowledge, admit, stipulate, or acknowledge that Plaintiff's July 7, 2022 email constitutes lawful service of process under federal or Mississippi law. Defendant does not waive or disclaim any defense or objection based upon insufficiency of service of process or otherwise. Defendant reserves all rights, claims, and defenses.

⁶ Defendant does intend to promptly move to dismiss the Complaint with prejudice pursuant to FED. R. CIV. P. 12(b)(1) and (6) because, inter alia, Plaintiff lacks standing, fails to state plausible claims, and his claims are time barred under Mississippi law.

Date: Friday, August 5, 2022
Baton Rouge, Louisiana

Submitted by:

STERNBERG, NACCARI & WHITE, LLC

By: s/ Ryan J. Richmond

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Attorneys for Grey Television Inc

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Notice of Removal has been sent to the plaintiff, Father Jesus, by certified United States mail, return receipt requested at his last known address, 3106 11th Street, Gulfport, MS 39501-1819, and by e-mail to his last known email address, fatherkingjesus@gmail.com, on August 5, 2022.

s/ Ryan J. Richmond

Ryan J. Richmond (MSBN 106198)